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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
 ) 2:02-cr-0294 MCE  
Plaintiff, )  
 )  
v. ) ~~PROPOSED~~ FINDINGS AND ORDER  
 )  
RIGOBERTO CHAVEZ-SANDOVAL, )  
aka Jose Araizo, )  
 )  
Defendant. )  
\_\_\_\_\_ )

This matter came before the Court for disposition on February 28, 2006, at 8:30 A.M, regarding an Ameline remand. Assistant U.S. Attorney Michael Beckwith appeared on behalf of the United States; Donald Frick appeared on behalf of Rigoberto Chavez-Sandoval ("Defendant"). Because Defendant is currently serving a federal sentence in Texas, he was not present during the hearing.

This case comes before the Court with regard to a single issue: whether the Court would have imposed the same or similar sentence if it had know the Guidelines were not mandatory.

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1 Defendant's counsel has indicated that he has nothing further to  
2 brief or argue on this issue. Having given Defendant an  
3 opportunity to argue his position, and having reviewed all of the  
4 sentencing documents and papers filed in the case, as well as all  
5 of the pertinent case law governing the issue at hand, the Court  
6 affirms its original sentence. Specifically, the Court finds  
7 that it would have imposed the same sentence had it known the  
8 Guidelines were not mandatory. This decision is based on the  
9 Supreme Court's precedent in Booker and on the factors  
10 established by Congress in 18 U.S.C. § 3553(a). The Court  
11 further finds that the sentence imposed in this case is a fair,  
12 just, and reasonable sentence. The Court directed government  
13 counsel to prepare a formal order.

14  
15 **IT IS HEREBY ORDERED:**

16 Defendant will serve his sentence in case number 02-cr-0294-  
17 MCE as originally imposed.

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19 IT IS SO ORDERED.

20 DATE: March 15, 2006

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24 MORRISON C. ENGLAND, JR.  
25 UNITED STATES DISTRICT JUDGE  
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